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EXAMINER

WALLERSON, MARK E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2622

DATE MAILED: 10/01/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/146,835

Applicant(s)  
Ito et al

Examiner  
Mark Wallerson

Art Unit  
2622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 17, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 42-52 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 42-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on **6/17/2002.**

2. This application has been reconsidered. Claims 1-9 and 42-52 are pending.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 42, 46, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Lathrop (U. S. 5,563,655).

With respect to claims 1, 5, 42, 46, and 51, Lathrop discloses a digital camera (12) comprising a memory (10) which is separable from the camera; a picture capturing unit (30) for capturing picture information corresponding to an image and for storing the picture information in the memory (column 4, lines 18-24); a control information processor (20 or 50) for storing in the memory a processing method (which reads on an algorithm) for indicating how the picture information is to be processed (column 2, lines 16-24), so that the image has one of a plurality of

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selectable appearances (which reads on varying resolutions) (column 7, lines 46-57), the processing method user selected after the picture information is captured (the control processor receives instructions from a user input) (column 2, lines 16-31 and column 4, lines 4-9 and lines 18-34), the processing method remaining on the memory after the memory is separated from the camera (which reads the read function can be activated from a printer) (column 4, lines 57-61), and the picture information is processed from the memory when the memory is separated from the camera (column 5, lines 50-64).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 4, 6, 43, 44, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrop in view of Lourette (U. S. 5,978,016).

With regard to claims 2, 4, 43, and 45, Lathrop differs from claims 2, 4, 43, 45 in that he does not clearly disclose selecting a picture to be displayed. Lourette discloses the picture selecting means is for selecting the picture to be transmitted and printed (in the photofinisher), and the stored information relates to the transmission and printing of the picture (column 17, lines 35-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to have modified Lathrop to select a picture to be displayed. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop by the teaching of Lourette in order to improve operator control.

With respect to claims 3 and 44 Lathrop differs from claims 3 and 44 in that he does not clearly disclose selecting means for selecting the picture to be displayed, and the stored information relates to the display of the picture. Lourette discloses the picture selecting means is for selecting the picture to be displayed, and the stored information relates to the display of the picture (column 15, lines 15-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop to include selecting means for selecting the picture to be displayed, wherein the stored information relates to the display of the picture. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop by the teaching of Lourette in order to improve operator control.

With respect to claims 6 and 47, Lathrop differs from claims 6 and 47 in that he does not clearly disclose selecting a picture corresponding to an order person. Lourette discloses selecting a picture corresponding to the order person and information corresponding to the order person (column 17, lines 4-56 and column 19, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop to select a picture according to order information. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop by the teaching of Lourette in order to improve operator control.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 8, 9, 48, 49, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrop in view of Lourette as applied to claim 1 above, and further in view of Petruchik (U. S. 5,619,738).

With respect to claims 7, 8, 9, 48, 49, and 50, Lathrop as modified differs from claims 7, 8, 9, 48, 49, and 50 in that he does not clearly disclose storing information about a rotation angle of the picture. Petruchik discloses means for storing print orientation information (column 5, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop as modified to store information about a rotation angle of the picture. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop as modified by the teaching of Petruchik in order to more easily define the exposure.

With respect to claim 52, Lathrop discloses a digital camera (12) comprising a memory (10) which is separable from the camera; a picture capturing unit (30) for capturing picture information corresponding to an image and for storing the picture information in the memory (column 4, lines 18-24); a display unit (56); a control information processor (20 or 50) for storing

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in the memory a processing method (which reads on an algorithm) for indicating how the picture information is to be printed (column 4, lines 18-58), the processing method user selected after the picture information is captured (the control processor receives instructions from a user input) (column 2, lines 16-31 and column 4, lines 4-9 and lines 18-34), the processing method remaining on the memory after the memory is separated from the camera (which reads the read function can be activated from a printer) (column 4, lines 57-61), and the picture information is processed from the memory when the memory is separated from the camera (column 5, lines 50-64).

Lathrop as modified differs from claim 52 in that he does not clearly disclose storing information about a rotation angle of the picture. Petruchik discloses means for storing print orientation information (column 5, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop as modified to store information about a rotation angle of the picture. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Lathrop as modified by the teaching of Petruchik in order to more easily define the exposure.

### ***Response to Arguments***

9. Applicant's arguments filed 6/17/2002 have been fully considered but they are not persuasive.

Applicant submits that Lathrop does not disclose the processing method is user selected after the picture information is captured. The Examiner respectfully disagrees.

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The picture is captured (column 4, lines 18-24) and stored on the memory card (column 4, lines 24-27). The control or processing information is THEN stored on the memory card (column 4, lines 27-60).

***Conclusion***

10. All claims are rejected.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:



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(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

**MARK WALLERSON**  
**PRIMARY EXAMINER**

Mark Wallerson